

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

Estate of William J. Cox, by ANGELIA M. COX,  
Plaintiff

v

Thomas L. Carroll, Warden Delaware  
Defendant

&

First Correctional Medical-Delaware, LLC.  
Defendant

and

Commissioner Stanley Taylor Delaware  
Defendant and

Joyce Talley, Bureau Chief of  
Defendant

**No: 06-278-SLR**

**O R D E R**

At Wilmington this 18<sup>th</sup>. day of June 20070 , the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the court having conducted a pretrial scheduling conference pursuant to Fed. R.Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

**1. Pre-Discovery Disclosures.** The parties will exchange by:

July 30, 2007, the information required by  
Fed. R. Civ. P. 26(a) (1) and D. Del. LR 16.2.

**2. Discovery.**

(a) Discovery will be needed on the following subjects: Contractual Relationship, Contractual Disputes, Contractual Performance of Medical Care Providers and Delaware DOC. Life Circumstances, Health of the Decedent.

(b) All discovery shall be commenced in time to be completed by September 30, 2008.

(c) Maximum of 50 interrogatories by each party to any other party.

(d) Maximum of 50 requests for admission by each party to any other party.

(e) Maximum of 10 depositions by plaintiff and 10 by Defendantt.

(f) Each deposition limited to a maximum of 7 hours unless extended by agreement.  
of parties.

(g) Reports from retained experts under Rule 26(a) (2) on issues for which any party has the burden of proof due by June 2, 2008. Rebuttal expert reports due by August 4, 2008.

**(h) Discovery Disputes.** Any discovery dispute shall be submitted to the court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The court shall make itself available, however, to

resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

**3. Joinder of other Parties, Amendment of Pleadings, and Class Certification.** All motions to join other parties, amend the pleadings, and certify a class action shall be filed on or before August 15, 2007.

**4. Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring ADR.

**5. Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before October 20, 2008. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the court.

**6. Applications by Motion.** Any application to the court shall be by written motion filed with the clerk. Unless otherwise requested by the court, counsel shall not deliver copies of papers or correspondence to chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

**7. Motions in Limine.** All motions in limine shall be filed on or before **(two weeks before pretrial conference]**. All responses to said motions shall be filed on or before **(one week**

before pretrial conference].

**8. Pretrial Conference.** A pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ m. in courtroom 6B, \_\_\_\_\_ sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

**9. Trial.** This matter is scheduled for a [day/week] bench/jury trial commencing on \_\_\_\_\_ in courtroom 6B, sixth floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

---

United States District Judge